

Slavery in the U.S. - fugitive slave

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DEFENCE OF MASSACHUSETTS.

SPEECHES

OF

HON. CHARLES SUMNER,

1811-1874

ON THE

BOSTON MEMORIAL

FOR THE

REPEAL OF THE FUGITIVE SLAVE BILL,

AND IN REPLY TO

MESSRS. JONES OF TENNESSEE, BUTLER OF SOUTH CAROLINA,
AND MASON OF VIRGINIA.

IN SENATE OF UNITED STATES, JUNE 26 AND 28, 1854.

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1854.

M. H. ...

SPEECHES.

[IN SENATE.—On the 22d June, Mr. ROCKWELL, of Massachusetts, presented the following Memorial, stating that it was signed by twenty-nine hundred persons, chiefly of Boston, and moved its reference to the Committee on the Judiciary :

“To the Honorable the Senate and House of Representatives in Congress assembled : The undersigned, *men of Massachusetts*, ask for the repeal of the Act of Congress of 1850, known as the FUGITIVE SLAVE BILL.”

On June 26, a debate ensued, on the motion to refer the memorial, in which Mr. JONES of Tennessee, Mr. ROCKWELL of Massachusetts, and then again Mr. JONES, took part. At this stage,

Mr. SUMNER took the floor, and spoke as follows :]

MR. PRESIDENT : I begin by answering the interrogatory propounded by the Senator from Tennessee, [Mr. JONES.] He asks, “Can any one suppose that, if the Fugitive Slave Act be repealed, this Union can exist?” To which I reply at once, that if the Union be in any way dependent on an act—I cannot call it a law—so revolting in every regard as that to which he refers, then it ought not to exist. To much else that has fallen from that Senator I do not desire to reply. He has discussed at length matters already handled again and again in the protracted debates of this session. Like the excited hero of Macedonia, he has renewed past conflicts,

“And thrice he routed all his foes,
And thrice he slew the slain.”

Of what the Senator has said on the relations of Senators, North and South, of a particular party, it is not my province to speak. And yet I cannot turn from it without expressing, at least, a single aspiration, that men from the North, whether Whigs or Democrats, will neither be cajoled or driven by any temptation, or lash, from the support of those principles of freedom which are inseparable from the true honor and welfare of the country. At last, I trust, there will be a back-bone in the North.

My colleague has already remarked, that this memorial proceeds from persons of whom many

were open supporters of the alleged Compromises of 1850, including even the odious Fugitive Slave Bill. I have looked over the long list, and, so far as I can judge, find this to be true. And, in my opinion, the change shown by these men is typical of the change in the community of which they constitute a prominent part. Once the positive upholders of the Fugitive Slave Bill, they now demand its unconditional repeal.

There is another circumstance worthy of especial remark. This memorial proceeds mainly from persons connected with trade and commerce. Now, it is a fact too well known in the history of England, and of our own country, that these persons, while often justly distinguished by their individual charities and munificence, have been lukewarm in their opposition to slavery. Twice in English history the “mercantile interest” frowned upon the endeavors to suppress the atrocity of Algerine slavery; steadfastly in England it sought to baffle Wilberforce’s great effort for the abolition of the African slave trade; and, at the formation of our own Constitution, it stipulated a sordid compromise, by which this same detested, Heaven-defying traffic, was saved for twenty years from American judgment. But now it is all changed—at least in Boston. The representatives of the “mercantile interest” place themselves in the front of the new movement against slavery, and, by their explicit memorial, call for the abatement of a grievance which they have recently bitterly felt in Boston.

Mr. President, this memorial is interesting to me, first, as it asks a repeal of the Fugitive Slave Bill, and secondly, as it comes from Massachusetts. That repeal I shall be glad at any time, now and hereafter, as in times past, to sustain by vote and argument; and I trust never to fail in any just regard for the sentiments or interests of Massachusetts. With these few remarks, I would gladly close. But there has been an arraignment here to-day, both of myself and of the Commonwealth which I represent. To all that has been said of myself or the Commonwealth—so far as it is an impeachment of either—so far as it subjects either to any just censure, I plead openly, for myself and for Massachusetts, “not guilty.” But pardon me, if I do not submit to be tried by the Senate, fresh from the injustice of the Nebraska Bill. In the language of the common law

I put myself upon "God and the country," and claim the same trial for my honored Commonwealth.

So far as the arraignment touches me personally, I hardly care to speak. It is true that I have not hesitated, here and elsewhere, to express my open, sincere, and unequivocal condemnation of the Fugitive Slave Bill. I have denounced it as at once a violation of the law of God, and of the Constitution of the United States.

In violation of the Constitution, it commits the great question of human freedom—than which none is more sacred in the law—not to a solemn trial, but to summary proceedings.

It commits this question—not to one of the high tribunals of the land—but to the unaided judgment of a single petty magistrate.

It commits this question to a magistrate, appointed, not by the President with the consent of the Senate, but by the court; holding his office, not during good behaviour, but merely during the will of the court; and receiving, not a regular salary, but fees according to each individual case.

It authorizes judgment on *ex parte* evidence, by affidavits, without the sanction of cross-examination.

It denies the writ of *habeas corpus*, ever known as the palladium of the citizen.

Contrary to the declared purposes of the framers of the Constitution, it sends the fugitive back "at the public expense."

Adding meanness to the violation of the Constitution, it bribes the commissioner by a double fee to pronounce against freedom. If he dooms a man to slavery, the reward is ten dollars; but, saving him to freedom, his dole is five dollars.

But this is not all. On two other capital grounds do I oppose this act as unconstitutional; first, as it is an assumption by Congress of powers not delegated by the Constitution, and in derogation of the rights of the States; and, secondly, as it takes away that essential birthright of the citizen, trial by jury, in a question of personal liberty and a suit at common law. Thus obnoxious, I have regarded it as an enactment totally devoid of all constitutional obligation, as it is clearly devoid of all moral, while it is disgraceful to the country and the age. And, sir, I have hoped and labored for the creation of such a Public Opinion, firm, enlightened, and generous, as should render the act practically inoperative, and should press, without ceasing, upon Congress for its repeal. For all that I have said on this head, I have no regrets or apologies; but rather joy and satisfaction. Glad I am in having said it; glad I am now in the opportunity of affirming it all anew. Thus much for myself.

In response for Massachusetts, there are other things. Something surely must be pardoned to her history. In Massachusetts stands Boston. In Boston stands Faneuil Hall, where, throughout the perils which preceded the Revolution, our patriot fathers assembled to vow themselves to freedom. Here, in those days, spoke James Otis, full of the thought that "the people's safety is the law of God." Here, also, spoke James Warren, inspired by the sentiment that "death with all its

tortures is preferable to slavery." And here, also, thundered John Adams, fervid with the conviction that "consenting to slavery is a sacrilegious breach of trust." Not far from this venerable hall—between this temple of freedom and the very court-house, to which the Senator [Mr. Jones] has referred—is the street where, in 1770, the first blood was spilt in conflict between British troops and American citizens, and among the victims was one of that African race which you so much despise. Almost within sight is Bunker Hill; further off, Lexington and Concord. Amidst these scenes, a Slave-Hunter from Virginia appears, and the disgusting rites begin by which a fellow-man is to be doomed to bondage. Sir, can you wonder that the people were moved?

"Who can be wise, amazed, temperate and furious, Loyal and neutral, in a moment? No man."

It is true that the Slave Act was with difficulty executed, and that one of its servants perished in the effort. On these grounds the Senator from Tennessee charges Boston with fanaticism. I express no opinion on the conduct of individuals; but I do say, that the fanaticism which the Senator condemns, is not new in Boston. It is the same which opposed the execution of the Stamp Act, and finally secured its repeal. It is the same which opposed the Tea Tax. It is the fanaticism which finally triumphed on Bunker Hill. The Senator says that Boston is filled with traitors. That charge is not new. Boston, of old, was the home of Hancock and Adams. Her traitors now are those who are truly animated by the spirit of the American Revolution. In condemning them, in condemning Massachusetts, in condemning these remonstrants, you simply give a proper conclusion to the utterance on this floor, that the Declaration of Independence is "a self-evident lie."

Here I might leave the imputations on Massachusetts. But the case is stronger yet. I have referred to the Stamp Act. The parallel is of such aptness and importance, that, though on a former occasion I presented it to the Senate, I cannot forbear from pressing it again. As the precise character of this act may not be familiar, allow me to remind the Senate, that it was an attempt to draw money from the Colonies through a stamp tax, while the determination of certain questions of forfeiture under the statute was delegated, not to the courts of common law, but to courts of admiralty, without trial by jury. This act was denounced in the Colonies at once on its passage, as contrary to the British Constitution, on two principal grounds, identical in character with the two chief grounds on which the Slave Act is now declared to be unconstitutional; first, as an assumption by Parliament of powers not belonging to it, and an infraction of rights secured to the Colonies; and, secondly, as a denial of trial by jury in certain cases of property. On these grounds the Stamp Act was held to be an outrage.

The Colonies were aroused against it. Virginia first declared herself by solemn resolutions, which the timid thought "treasonable;" yes, sir,

"treasonable," even as that word is now applied to recent manifestations of opinion in Boston—even to the memorial of her twenty-nine hundred merchants. But these "treasonable" resolutions soon found a response. New York followed. Massachusetts came next. In an address from the Legislature to the Governor, the true ground of opposition to the Stamp Act, coincident with the two radical objections to the Slave Act, are clearly set forth, with the following pregnant conclusion:

"We deeply regret that the Parliament has seen fit to pass such an act as the Stamp Act; we flatter ourselves that the hardships of it will shortly appear to them in such a light as shall induce them, in their wisdom, to repeal it; *in the mean time, we must beg your Excellency to excuse us from doing anything to assist in the execution of it.*"

The Stamp Act was welcomed in the Colonies by the Tories of that day, precisely as the unconstitutional Slave Act has been welcomed by imperious numbers among us. Hutchinson, at that time Lieutenant Governor and judge in Massachusetts, wrote to Ministers in England:

"The Stamp Act is received with as much decency as could be expected. It leaves no room for evasion, and will execute itself."

Like the judges of our day, in charges to grand juries, he resolutely vindicated the act, and admonished "the jurors and the people" to obey. Like Governors in our day, Bernard, in his speech to the Legislature of Massachusetts, demanded unreasoning submission. "I shall not," says this British Governor, "enter into any disquisition of the policy of the act. I have only to say it is an act of the Parliament of Great Britain." Like marshals of our day, the officers of the customs are recorded as having made "application for a military force to assist them in the execution of their duty." The elaborate answer of Massachusetts—a paper which is one of the cornerstones of our history—drawn by Samuel Adams, was pronounced "the ravings of a parcel of wild enthusiasts," even as recent proceedings in Boston, resulting in the memorial before you, have been characterized on this floor. Was I not right in adducing this parallel?

The country was aroused against the execution of the act. And here Boston took the lead. In formal instructions to her Representatives, adopted unanimously in town meeting at Faneuil Hall, the following rule of conduct was prescribed:

"We, therefore, think it our indispensable duty, in justice to ourselves and posterity, as it is our undoubted privilege, in the most open and unreserved, but decent and respectful terms, to declare our greatest dissatisfaction with this law. *And we think it incumbent upon you by no means to join in any public measures for countenancing and assisting in the execution of the same.* But to use your best endeavors in the General Assembly to have the inherent inalienable rights of the people of this province asserted, and vindicated, and left upon the public record, that posterity may never have reason to charge the present times with the guilt of tamely giving them away."

The opposition spread and deepened, and one of its natural tendencies was to outbreak and violence. On one occasion in Boston it showed itself in the lawlessness of a mob, of a most formidable character, even as is now charged. Liberty, in her struggles, is too often driven to force. But the town, at a public meeting in Faneuil Hall, called without delay, on the motion of the opponents of the Stamp Act, with James Otis as chairman, condemned the outrage. Eager in hostility to the execution of the act, Boston cherished municipal order, and constantly discountenanced all tumult, violence, and illegal proceedings. On these two grounds she then stood; and her position was widely recognised. In reply, March 27, 1766, to an address from the inhabitants of Plymouth, her own consciousness of duty done is thus expressed:

"If the inhabitants of Boston have taken the legal and warrantable measures to prevent that misfortune of all others the most to be dreaded, the execution of the Stamp Act, and, as a necessary means of preventing it, have made any spirited applications for opening the custom houses and courts of justice; if, at the same time, they have borne their testimony against outrageous tumults and illegal proceedings, and given any example of the love of peace and good order, next to the consciousness of having done their duty is the satisfaction of meeting with the approbation of any of their fellow-countrymen."

Thus was the Stamp Act annulled, even before its actual repeal, which was pressed with assiduity, by petition and remonstrance, on the next meeting of Parliament. Among the potent influences was the entire concurrence of the merchants, and especially a remonstrance against the Stamp Act by the merchants of New York—like that now made against the Slave Act by the merchants of Boston. Some asked at first only for its modification. Even James Otis began with this moderate desire. The King himself showed a disposition to yield to this extent. But Franklin, who was then in England, when asked whether the Colonies would submit to the act, if mitigated in certain particulars, replied: "No, never, unless compelled by force of arms." Then it was, that the great Commoner, William Pitt, in an ever-memorable speech, uttered words which fitly belong to this occasion. He said:

"Sir, I have been charged with giving birth to sedition in America. They have spoken their sentiments with freedom against this unhappy act, and that freedom has become their crime. *Sor,* I am to hear the liberty of speech in this House imputed as a crime. But the imputation shall not discourage me. It is a liberty I mean to exercise. No gentleman ought to be afraid to exercise it. It is a liberty by which the gentleman who calumniates it might and ought to have profited. The gentleman tells us America is obstinate; America is almost in open rebellion. I rejoice that America has resisted. Three millions of slaves, so dead to all the feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of all the rest. I would not debate a particular point of law with the gentleman: but I draw my

'ideas of freedom from the vital powers of the British Constitution—not from the crude and fallacious notions too much relied upon, as if we were but in the morning of liberty. I can acknowledge no veneration for any procedure, law, or ordinance, that is repugnant to reason and the first elements of our Constitution. The Americans have been wronged. They have been driven to madness. Upon the whole, I will beg leave to tell the House what is really my opinion. It is, that the Stamp Act be repealed, absolutely, totally, and immediately, and that the reason for the repeal be assigned, because it was founded on an erroneous principle."

Thus spoke this great orator, at the time tutelary guardian of American liberty. He was not unheeded. Within less than a year from its original passage, the Stamp Act—assailed as unconstitutional on the precise grounds which we now occupy in assailing the Slave Act—was driven from the statute-book.

But, sir, the Stamp Act was, at most, an infringement of *civil* liberty only, not of *personal* liberty. It touched questions of property only, but not the personal liberty of any man. Under it, no freeman could be seized as a slave. There was an unjust tax of a few pence, with the chances of amercement by a single judge without jury; but by this statute no person could be deprived of that vital right of all, which is to other rights as the soul to the body—the *right of a man to himself*. As liberty is more than property, as man is above the beasts that perish, as heaven is higher than earth, so are the rights assailed by

an American Congress above those once assailed by the British Parliament; and just in this proportion must be our condemnation of the Slave Act by the side of the Stamp Act. And this will yet be declared by history.

I call upon you, then, to receive the memorial, and hearken to its prayer. All other memorials asking for changes in existing legislation are treated with respect, promptly referred, and acted upon. This should not be an exception. The memorial simply asks the repeal of an obnoxious statute, which is entirely within the competency of Congress. It proceeds from a large number of respectable citizens whose autograph signatures are attached. It is brief and respectful in form; and, in its very brevity, shows that spirit of freedom which should awaken a generous response. In refusing to receive it or refer it, according to the usage of the Senate, or in treating it with any indignity, you offer an affront, not only to these numerous petitioners, but also to the great right of petition, which is here never more sacred than when exercised in behalf of freedom against an obnoxious statute. Permit me to add, that by this course you provoke the very spirit which you would repress. There is a certain plant which is said to grow when trodden upon. It remains to be seen if the Boston petitioners have not something of this quality. But this I know, sir, that the Slave Act, like vice, is of so hideous a mien, that "to be hated it needs only to be seen;" and the occurrences of this day will make it visible and palpable to the people in new forms of injustice.

SECOND SPEECH.

[Mr. SUMNER was followed in the debate, by Mr. BUTLER of South Carolina, Mr. MASON of Virginia, Mr. PETTIT of Indiana, Mr. DIXON of Kentucky, Mr. MALLORY of Florida, and Mr. CLAY of Alabama, and, on the 28th June, obtained the floor, and spoke as follows:]

MR. PRESIDENT: Since I had the honor of addressing the Senate two days ago, various Senators have spoken. Among these, several have alluded to me in terms clearly beyond the sanctions of parliamentary debate. Of this I make no complaint, though, for the honor of the Senate at least, it were well that it were otherwise. If to them it seems fit, courteous, parliamentary,

—"to unpack the heart with words,
And fall a cursing, like a very drab,
A scullion,"

I will not interfere with the enjoyment which they find in such exposure of themselves. They have certainly given us a taste of their characters. Two of them, the Senator from South Carolina [Mr. BUTLER] who sits immediately before me, and the Senator from Virginia [Mr. MASON] who sits immediately behind me, are not young. Their heads are amply crowned by time. They did not speak from any ebullition of youth, but from the confirmed temper of age. It is melancholy to believe that, in this debate, they showed themselves as they are. It were charitable to believe that they are in reality better than they showed themselves.

I think, sir, that I am not the only person on this floor, who, in lately listening to these two self-confident champions of the peculiar fanaticism of the South, was reminded of the striking words by Jefferson, picturing the influence of slavery; where he says, "The whole commerce between 'master and slave is a perpetual exercise of the 'most boisterous passions, the most unremitting 'despotism on the one part, and degrading sub-'mission on the other. Our children see this, and 'learn to imitate it; for man is an imitative animal. The parent sterner. The child looks on, 'catches the lineaments of wrath, puts on the 'same airs in the circle of smaller slaves, gives 'loose to his worst passions, and, thus nursed, ed-'ucated, and daily exercised in tyranny, cannot 'but be stamped by it with odious peculiarities. 'The man must be a prodigy who can retain his 'manners and morals undepraved by such cir-'cumstances." Nobody who witnessed the Senator from South Carolina or the Senator from Virginia in this debate will place either of them among the "prodigies" described by Jefferson. As they spoke, the Senate Chamber must have seem-

ed to them, in the characteristic fantasy of the moment, a plantation well stocked with slaves, over which the lash of the overseer had free swing. Sir, it gives me no pleasure to say these things. It is not according to my nature. Bear witness, that I do it only in just self-defence against the unprecedented assaults and provocations of this debate. And in doing it, I desire to warn certain Senators, that if they expect, by any ardor of menace or by any tyrannical frown, to shake my fixed resolve, they expect a vain thing.

There was, perhaps, little that fell from these two champions, as the fit was on, which deserves reply. Certainly not the hard words they used so readily and congenially. The veteran Senator from Virginia [Mr. MASON] complained that I had characterized one of his "constituents," a person who went all the way from Virginia to Boston in pursuit of a slave, as a Slave-Hunter. Sir, I choose to call things by their right names. White I call white, and black I call black. And where a person degrades himself to the work of chasing a fellow-man, who, under the inspiration of freedom and the guidance of the north star, has sought a freeman's home far away from the coffee and the chain, that person, whomsoever he may be, I call a Slave-Hunter. If the Senator from Virginia, who professes nicety of speech, will give me any term which more precisely describes such a person, I will use it. Until then I shall continue to use the language which seems to me so apt. But this very sensibility of the veteran Senator at a just term, which truly depicts an odious character, shows a shame in which I exult. It was said by one of the philosophers of antiquity, that the blush is a sign of virtue; and permit me to add, that, in this violent sensibility, I recognise a blush mantling the cheek of the Senator, which even his plantation manners cannot conceal.

And the venerable Senator from South Carolina, too, [Mr. BUTLER;] he has betrayed his sensibility. Here let me say that this Senator knows well that I always listen with peculiar pleasure to his racy and exuberant speech, as it gurgles forth—sometimes tintured by generous ideas—except when, forgetful of history, and in defiance of reason, he undertakes to defend that which is obviously indefensible. This Senator was disturbed, when to his inquiry, personally, pointedly, and vehemently addressed to me, whether I would join in returning a fellow-man to slavery, I exclaimed, "Is thy servant a dog, that he should do this thing?" In fitful phrases, which seemed to come from the unconscious excitement so common with the Senator, he shot forth various cries about "dogs;" and, among other things, asked if there was any "dog" in

the Constitution? The Senator did not seem to bear in mind, through the heady currents of that moment, that, by the false interpretation he has given to the Constitution, he has helped to nurture there a whole kennel of Carolina bloodhounds, trained, with savage jaws and insatiable scent, for the hunt of flying bondmen. No, sir. I do not believe that there is any "kennel of bloodhounds," or even any "dog," in the Constitution of the United States.

But, Mr. President, since the brief response which I made to the inquiry of the Senator, and which leaped unconsciously to my lips, has drawn upon me various attacks, all marked by grossness of language and manner; since I have been charged with openly declaring my purpose to violate the Constitution, and to break the oath which I have taken at that desk, I shall be pardoned for showing simply how a few plain words will put all this down. The authentic report in the *Globe* shows what was actually said. The report in the *Sentinel* is substantially the same; and one of the New York papers, which has been put into my hands since I entered the Senate Chamber to-day, under its telegraphic head, states the incident with substantial accuracy, though it omits the personal individual appeal addressed to me by the Senator, and which is preserved in the *Globe*. Here is the New York report:

"Mr. BUTLER. I would like to ask the Senator, 'if Congress repealed the Fugitive Slave Law, would Massachusetts execute the constitutional requirements, and send back to the South the absconding slaves?'"

"Mr. SUMNER. Do you ask if I would send back a slave?"

"Mr. BUTLER. Why, yes."

"Mr. SUMNER. 'Is thy servant a dog, that he should do this thing?'"

To any candid mind, either of these reports renders anything further superfluous. But the Senators who have been so swift in misrepresentation deserve to be exposed, and it shall be done.

Now, sir, I begin by adopting as my guide the authoritative words of Andrew Jackson, in his memorable veto, in 1832, of the Bank of the United States. To his course, at that critical time, were opposed the authority of the Supreme Court and his oath to support the Constitution. Here is his triumphant reply:

"If the opinion of the Supreme Court covers the whole ground of this act, it ought not to control the co-ordinate authorities of this Government. The Congress, the Executive, and the Court, must each for itself be guided by its own opinion of the Constitution. *Each public officer, who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others.* It is as much the duty of the House of Representatives, of the Senate, and of the President, to decide upon the constitutionality of any bill or resolution, which may be presented to them for passage or approval, as it is of the supreme judges when it may be brought before them for judicial decision. The authority of the Supreme Court must not, therefore, be permitted to control the

'Congress or the Executive, when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve.'"

Mark these words, and let them sink into your minds. "Each public officer, who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others." Yes, sir, *AS HE UNDERSTANDS IT, and not as it is understood by others.* Does any Senator here dissent from this rule? Does the Senator from Virginia? Does the Senator from South Carolina? [Here Mr. SUMNER paused, but there was no reply.] At all events, I accept the rule as just and reasonable; in harmony, too, let me assert, with that liberty which scorns the dogma of *passive obedience*, and asserts the inestimable right of private judgment, whether in religion or politics. In swearing to support the Constitution at your desk, Mr. President, I did not swear to support it as *you* understand it. Oh, no, sir. Or as the Senator from Virginia understands it. Oh, no, sir. Or as the Senator from South Carolina understands it, with a kennel of bloodhounds; or, at least, a "dog" in it, "pawing to get free its hinder parts," in pursuit of a slave. No such thing. Sir, I swore to support the Constitution *as I understand it*; nor more, nor less.

Now, I will not occupy your time, nor am I so disposed at this moment, nor does the occasion require it, by entering upon any minute criticism of the clause in the Constitution touching the surrender of "fugitives from labor." A few words only are needful. Assuming, sir, in the face of commanding rules of interpretation, all leaning towards freedom, that in the evasive language of this clause, paltering in a double sense, the words employed can be judicially regarded as justly applicable to fugitive slaves, which, as you ought to know, sir, is often most strenuously and conscientiously denied—thus sponging the whole clause out of existence, except as a provision for the return of persons actually bound by lawful contract, but on which I now express no opinion; assuming, I say, this interpretation, so hostile to freedom, and derogatory to the members of the Federal Convention, who solemnly declared that they would not yield any sanction to slavery, or admit into the Constitution the idea of property in man; assuming, I repeat, an interpretation which every principle of the common law, claimed by our fathers as their birthright, must disown; admitting, for the moment only, and with shame, that the Constitution of the United States has any words, which, in any legal intendment, can constrain fugitive slaves, then I desire to say, that, as I understand the Constitution, this clause does not impose upon me, as a Senator or citizen, any obligation to take part, directly or indirectly, in the surrender of a fugitive slave.

Sir, as a Senator, I have taken at your desk the oath to support the Constitution, *as I understand it*. And understanding it as I do, I am bound by that oath, Mr. President, to oppose all enactments by Congress on the subject of fugitive slaves, as a flagrant violation of the

Constitution; especially must I oppose the last act as a tyrannical usurpation, kindred in character to the Stamp Act, which our fathers indignantly refused to obey. Here my duties, under the oath which I have taken as a Senator, and. There is nothing beyond. They are all abhorred in the constant, inflexible, righteous obligation to oppose every exercise by Congress of any power over the subject. In no respect, by that oath, can I be constrained to duties in *other capacities, or as a simple citizen*, especially when revolting to my conscience. Now, in this interpretation of the Constitution I may be wrong; others may differ from me; the Senator from Virginia may differ from me, and the Senator from South Carolina also; and they will, each and all, act according to their respective understandings. For myself, I shall act according to mine. On this explicit statement of my constitutional obligations, I stand, as upon a living rock, and, to the inquiry, in whatever form addressed to my personal responsibility, whether I would aid, directly or indirectly, in reducing or surrendering a fellow-man to bondage, I reply again, "Is thy servant a dog, that he should do this thing?"

And, sir, looking round upon this Senate, I might ask fearlessly, how many there are, even in this body, if, indeed, there be a single Senator, who would stoop to any such service? Until some one rises and openly confesses his willingness to become a Slave-Hunter, I will not believe there can be one. [Here Mr. SUMNER paused, but nobody rose.] And yet honorable and chivalrous Senators have rushed headlong to denounce me, because I openly declared my repudiation of a service at which every manly bosom must revolt. "Sire, I have found in Bayonne brave soldiers and good citizens, *but not one executioner*," was the noble utterance of the Governor of that place to Charles IX of France, in response to the royal edict for the massacre of St. Bartholomew; and such a spirit, I trust, will yet animate the people of this country, when pressed to the service of "dogs!"

To that other question, which has been proposed, whether Massachusetts, by State laws, will carry out the offensive clause in the Constitution, according to the understanding of the venerable Senator from South Carolina, I reply that Massachusetts, at all times, has been ready to do her duty under the Constitution, as she understands it; and, I doubt not, will ever continue of this mind. More than this I cannot say.

In quitting this topic, I cannot forbear to remark that the assault on me for my disclaimer of all constitutional obligation, resting upon me as a Senator or citizen, to aid in making a man a slave, or in surrendering him to slavery, comes with an ill grace from the veteran Senator from Virginia, a State which, by its far-famed resolutions of 1798, assumed to determine its constitutional obligations, even to the extent of openly declaring two different acts of Congress null and void; and it comes also with an ill grace from the venerable Senator from South Carolina, a State which, in latter days, has arrayed itself

openly against the Federal authorities, and which threatens nullification as often as babies cry.

Surely the Senator from South Carolina, with his silver-white locks, would have hesitated to lead this assault upon me, had he not, for the moment, been entirely oblivious, of the history of the State which he represents. Not many years have passed since an incident occurred at Charleston, in South Carolina—not at Boston, in Massachusetts—which ought to be remembered. The postmaster of that place, acting under a controlling Public Opinion there, informed the head of his Department at Washington that he had determined to suppress all *anti-slavery* publications, and requested instructions for the future. Thus, in violation of the laws of the land, the very mails were rifled, and South Carolina smiled approbation of the outrage. But this is not all. The Postmaster General, Mr. Kendall, after prudently alleging that, as he had not seen the papers in question, he could not give an opinion of their character, proceeded to say, that he had been informed that they were incendiary, inflammatory, and insurrectionary, and then announced:

"By no act or direction of mine, official or private, could I be induced to aid knowingly in giving circulation to papers of this description, directly or indirectly. *We owe an obligation to the law, but a higher one to the communities in which we live; and if the former be perverted to destroy the latter, it is patriotism to disregard them.* Entertaining these views, I cannot sanction, and will not condemn, the step you have taken."

Such was the approving response of the National Government to the Postmaster of Charleston, when, for the sake of Slavery, and without any constitutional scruple, he set himself against an acknowledged law of the land; yet the venerable Senator from South Carolina now presumes to denounce me, when, for the sake of freedom, and in the honest interpretation of my constitutional obligations, I decline an offensive service.

But there is another incident in the history of South Carolina, which, as a loyal son of Massachusetts, I cannot forget, and which rises now in judgment against the venerable Senator. Massachusetts had commissioned a distinguished gentleman, of blameless life and eminent professional qualities, who served with honor in the other House, [Hon. SAMUEL HOAR,] to reside at Charleston for a brief period, in order to guard the rights of her free colored citizens, assailed on arrival there by an inhospitable statute, so gross in its provisions that an eminent character of South Carolina, a judge of the Supreme Court of the United States, Hon. William Johnson, had characterized it as "trampling on the Constitution," and "a direct attack upon the sovereignty of the United States." Massachusetts had read in the Constitution a clause closely associated with that touching "fugitives from labor," to the following effect: "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States," and supposed that this would yet be recognised by South Carolina. But she was mistaken. Her venerable representative, an unarmed old man, with hair as silver-

white almost as that of the Senator before me, was beset in Charleston by a "respectable" mob, prevented from entering upon his duties, and driven from the State; while the Legislature stepped in to sanction this shameless, lawless act, by placing on the statute book an order for his expulsion. And yet, sir, the excitable Senator from South Carolina is fired by the fancied delinquencies of Massachusetts towards Slave-Hunters, and also by my own refusal to render them any "aid or comfort;" he showers questions in volleys, assumes to measure our duties by his understanding, and ejaculates a lecture at Massachusetts and myself. Sir, before that venerable Senator again does this, let him return to his own State, seamed all over with the rents left by nullification, and first lecture there. Let him look into his own heart, and lecture to himself.

But enough for the present on this head of the extent of my constitutional obligations to become a Slave-Hunter. There are, however, yet other things in the assault of the venerable Senator, which, for the sake of truth, in just defence of Massachusetts, and in honor of freedom, shall not be left unanswered. Alluding to those days when Massachusetts was illustrated by Otis, Hancock, and "the brace of Adamsses;" when Faneuil Hall sent forth echoes of liberty which resounded even to South Carolina, and the very stones in the streets of Boston rose in mutiny against tyranny, the Senator with the silver-white locks, in the very ecstasy of slavery, broke forth in the ejaculation that Massachusetts was then "slaveholding;" and he presumed to hail these patriots as representatives of "hardy, slaveholding Massachusetts." Sir, I repel the imputation. It is true that Massachusetts was "hardy;" but she was not, *in any just sense*, "slaveholding." And had she been so, she could not have been "hardy." The two characteristics are inconsistent as weakness and strength, as sickness and health—I had almost said, as death and life.

The Senator opens a page, which I would willingly present. Sir, slavery never flourished in Massachusetts; nor did it ever prevail there at any time, even in early Colonial days, to such a degree as to be a distinctive feature in her powerful civilization. Her few slaves were merely for a term of years, or for life. If, in point of fact, their issue was sometimes held in bondage, it was never by sanction of any statute or law of Colony or Commonwealth. Such has been the solemn judgment of her Supreme Court. (*Lanesboro' vs. Westfield*, 16 Mass., 74.) In all her annals, no person was ever born a slave on the soil of Massachusetts. This, of itself, is a response to the imputation of the Senator.

A benign and brilliant act of her Legislature, as far back as 1646, shows her sensibility on this subject. A Boston ship had brought home two negroes, seized on the coast of Guinea. Thus spoke Massachusetts:

"The General Court, conceiving themselves bound by the first opportunity to bear witness against the heinous and crying sin of man-stealing, also to prescribe such timely redress for what is past, and such a law for the future as may sufficiently deter all those belonging to us, to have to

'do in such vile and most odious conduct, justly abhorred of all good and just men, do order that the negro interpreter, with others unlawfully taken, be, by the first opportunity, at the charge of the country, for the present, sent to his native country of Guinea, and a letter with him of the indignation of the Court thereabout and justice thereof.'

The Colony that could issue this noble decree was inconsistent with itself, when it allowed its rocky face to be pressed by the footsteps of a single slave. But a righteous public opinion early and constantly set its face against slavery. As early as 1701 a vote was entered upon the records of Boston to the following effect: "The Representatives are desired to promote the encouraging the bringing of white servants, and to put a period to negroes being slaves." Perhaps, in all history, this is the earliest testimony from any official body against negro slavery, and I thank God that it came from Boston, my native town. In 1705 a heavy duty was imposed upon every negro imported into the province; in 1712 the importation of Indians as servants or slaves was strictly forbidden; but the general subject of Slavery attracted little attention till the beginning of the controversy, which ended in the Revolution; when the rights of the blacks were blended by all true patriots with those of the whites. Sparring all unnecessary details, suffice it to say, that, as early as 1769, one of the courts of Massachusetts, anticipating, by several years, the renowned judgment in *Somerset's case*, established within its jurisdiction the principle of emancipation; and, under its touch of magic power, changed a slave into a freeman. Similar decisions followed in other places. In 1776, the whole number of blacks, both free and slave, sprinkled thinly over "hardy" Massachusetts, was five thousand two hundred and forty-nine, being to the whites as one is to sixty-five; while in "slaveholding" South Carolina the number of negro slaves, at that time, was not far from one hundred thousand, being nearly one slave for every freeman, thus rendering that Colony anything but "hardy." At last, in 1780, even before the triumph of Yorktown had led the way to that peace which set its seal upon our National Independence, Massachusetts, animated by the struggles of the Revolution, and filled by the sentiments of Freedom, placed in front of her Bill of Rights the emphatic words, that "all men are born free and equal," and by this declaration exterminated every vestige of slavery within her borders. All hail, then, to Massachusetts, the just and generous Commonwealth in whose behalf I have the honor to speak.

Thus, sir, does the venerable Senator err when he presumes to vouch Massachusetts for slavery, and to associate this odious institution with the names of her great patriots.

Mr. ROCKWELL. Will my honorable colleague allow me to send to the Chair, and have read in this connection with his present remarks, a passage from Graham's History of the United States?

Mr. SUMNER. I do not know the passage to

by my colleague refers, but I welcome any re-
 reption from him.

The Secretary read as follows :

Among other subjects of dispute with the
 the Government and its officers, was one
 creditable to Massachusetts than even her
 unanimous concern for the liberty of her citi-
 zens and their fellow-colonists. Negro slavery
 subsisted in every one of the American
 colonies, and the unhappy victims of this yoke
 were rapidly multiplied by the progressive ex-
 tension of the slave trade. Georgia, the young-
 est of all the States, contained already fourteen
 thousand negroes ; and in the course of the
 present year alone, more than six thousand
 were imported into South Carolina. In New
 England, the number of slaves was very insig-
 nificant, and their treatment so mild and hu-
 mane as in some measure to veil from the pub-
 lic eye the iniquity of their bondage. But, the
 recent discussions with regard to liberty and
 the rights of human nature, were calculated to
 be taken in generous minds a juster impression
 of negro slavery ; and during the latter part of
 Governor Bernard's administration, a bill pro-
 hibitory of all traffic in negroes was passed by
 the Massachusetts Assembly. Bernard, however,
 in conformity with his instructions from the
 Crown, refused to affirm this law ; and thus
 exposed himself to the virtue as well as to the
 censure of the people whom he governed.

On three subsequent occasions, laws abolish-
 ing the slave trade were passed by the same
 assembly during Hutchinson's administration ;
 but all were in like manner negatived by the
 Governor. And yet it was at this very period,
 when Britain permitted her merchants annually
 to make slaves of more than fifty thousand men,
 and refused to permit her Colonies to decline a
 participation in this injustice, that her orators,
 poets, and statesmen, loudly celebrate the gen-
 erosity of English virtue, in suffering no slaves
 to exist on English ground, and the transcen-
 dent equity of her judicial tribunals in libera-
 ting one negro who had been carried there.
 Though Massachusetts was thus prevented from
 abolishing the slave trade, the relative discus-
 sions that took place were by no means unpro-
 ductive of good. A great amelioration became
 visible in the condition of all the negroes in the
 Province ; and most of the proprietors gave lib-
 erty to their slaves. This *just* action—for such,
 and such only, it deserves to be termed—has
 obtained hitherto scarcely any notice from man-
 kind, while the subsequent and similar conduct
 of the Quakers in Pennsylvania has been cele-
 brated with warmth and general encomium. So
 capricious is the distribution of fame, and so
 much advantage does the reputation of virtue
 derive from alliance with sectarian spirit and
 interest."

Mr. SUMNER. I am obliged to my colleague.
 The extract is in substantial conformity with
 the historic truth, which the Senator from
 South Carolina, in one of his oratorical effluxes,
 has impeached. But the venerable Senator errs

yet more, if possible, when he attributes to
 "slaveholding" communities a leading part in
 those contributions of arms and treasure by
 which independence was secured. Here are his
 exact words, as I find them in the *Globe*, revised
 by himself :

"Sir, when blood was shed upon the plains of
 Lexington and Concord, in an issue made by
 Boston, to whom was an appeal made, and from
 whom was it answered ? The answer is found
 in the acts of slaveholding States—*animis opi-
 busque parati*. Yes, sir, the independence of
 America, to maintain republican liberty, was
 won by the arms and treasure, by the patriot-
 ism and *good faith* of slaveholding communi-
 ties."

Mark the language, sir, as emphasized by him-
 self. Surely, the Senator with his silver-white
 locks, all fresh from the outrage of the Nebraska
 bill, cannot stand here and proclaim "the *good
 faith* of slaveholding communities," except in
 irony. Yes, sir, in irony. And let me add, that
 when this Senator presumes to say that American
 Independence "was won by the arms and treas-
 ure of *slaveholding* communities," he speaks either
 in irony or in ignorance.

The question which the veteran Senator from
 South Carolina here opens, by his vaunt, I have
 no desire to discuss ; but, since it is presented, I
 confront it at once. This is not the first time,
 during my brief service here, that this Senator
 has sought on this floor to provoke a comparison
 between slaveholding communities and the free
 States.

Mr. BUTLER, (from his seat.) You cannot
 quote a single instance in which I have done it.
 I have always said I thought it was in bad taste,
 and I have never attempted it.

Mr. SUMNER. I beg the Senator's pardon. I
 always listen to him, and I know whereof I affirm.
 He has profusely dealt in it. I allude now only
 to a single occasion. In his speech on the Ne-
 braska bill, running through two days, it was one
 of his commonplaces. In that he openly present-
 ed a contrast between the free States and "slave-
 holding communities," in certain essential fea-
 tures of civilization, and directed shafts at Mas-
 sachusetts, which called to his feet my distin-
 guished colleague at that time, [Mr. EVERETT,]
 and which more than once compelled me to take
 the floor. And now, sir, the venerable Senator,
 not rising from his seat and standing openly be-
 fore the Senate, ventures to deny that he has
 dealt in such comparisons.

Mr. BUTLER. Will the Senator allow me ?

Mr. SUMNER. Certainly ; I yield the floor to
 the Senator.

Mr. BUTLER. Whenever that speech is read—
 and I wish the Senator had read it before he
 commented on it with a good deal of rhetorical
 enthusiasm—it will be found that I was particu-
 lar not to wound the feelings of the Northern
 people who were sympathizing with us in the
 great movement to remove odious distinctions.
 I was careful to say nothing that would provoke
 invidious comparisons ; and when that speech is
 read, notwithstanding the vehement assertion of
 the honorable Senator, he will find that when I

quoted the laws of Massachusetts, particularly one act which I termed the *toties quoties* act, by which every negro was whipped every time he came into Massachusetts, I quoted them with a view to show, not a contrast between South Carolina and Massachusetts, but to show that, in the whole of this country, from the beginning to this time—even in my own State, I made no exception—public opinion had undergone a change, and that it had undergone the same change in Massachusetts, for at one time they did not regard this institution of slavery with the same odium that they do at this time. That was the purpose; and I challenge the Senator as an orator of fairness to look at it, and see if it is not so.

Mr. SUMNER. Has the Senator done?

Mr. BUTLER. I may not be done presently; but that is the purport of that speech.

Mr. SUMNER. Will the Senator refer to his own speech? He now admits that, under the guise of an argument, he did draw attention to what he evidently regarded an odious law of Massachusetts. And, sir, I did not forget that, in doing this, there was, at the time, an apology which ill-concealed the sting. But let that pass. The Senator is strangely oblivious of the statistical contrasts, which he borrowed from the speech of a member of the other House, and which, at his request, were read by a Senator before him on this floor. The Senator, too, is strangely oblivious of yet another imputation, which, at the very close of his speech, he shot as a Parthian arrow at Massachusetts. It is he, then, who is the offender; and no hardihood of denial can extricate him. For myself, sir, I understand the sensibilities of Senators from slaveholding communities, and would not wound them by a superfluous word. Of slavery I speak strongly, as I must; but thus far, even at the expense of my argument, I have avoided the contrasts, founded on details of figures and facts, which are so obvious between the free States and "slaveholding communities;" especially have I shunned all allusion to South Carolina. But the venerable Senator, to whose discretion that State has intrusted its interests here, will not allow me to be still.

God forbid that I should do injustice to South Carolina. I know well the gallantry of many of her sons. I know the response which she made to the appeal of Boston for union against the Stamp Act—the fugitive slave act of that day—by the pen of Christopher Gadsden. And I remember with sorrow that this patriot was obliged to confess, at the time, her "weakness in having such a number of slaves," though it is to his credit that he recognised slavery as a "crime." (Bancroft's History of United States, vol. 5, page 426.) I have no pleasure in dwelling on the humiliations of South Carolina; I do not desire to expose her sores; I would not lay bare her nakedness. But the Senator, in his vaunt for "slaveholding communities," has made a claim for slavery which is so inconsistent with history, and so derogatory to freedom, that I cannot allow it to pass unanswered.

This, sir, is not the first time, even during my little experience here, that the same claim has

been made on this floor; and this seems astonishing, because the archives of the country furnish such ample and undoubted materials, its refutation. The question of the comparative contributions of men by different States and sections of the country in the war of the Revolution was brought forward as early as 1790, in the Congress under the Constitution, in the animated and protracted debate on the assumption of State debts by the Union. On this occasion F. Ames, a Representative from Massachusetts, memorable for his classic eloquence, moved a resolution upon the War Department for the number of men furnished by each State to the Revolutionary armies. This motion, though vehemently opposed, was carried by a small majority. Shortly afterwards, the answer to the call was received by the Department, at that time under the charge of General Knox. This answer, which is one of the documents of our history, places beyond cavil or criticism the exact contribution in men of each State. Here it is:

Statement of the number of troops and militia furnished by the several States, for the support of the Revolutionary war, from 1775 to 1783, inclusive.

	Number of continental troops.	Number of militia.	Total militia & continental troops.	Conjectural estimate of total.
NORTHERN STATES.				
New Hampshire	12,496	2,093	14,589	7,31
Massachusetts	67,937	15,155	83,092	9,35
Rhode Island	5,908	4,284	10,192	1,54
Connecticut	32,039	7,792	39,831	3,06
New York	17,781	3,312	21,093	8,71
Pennsylvania	25,608	7,357	32,965	2,00
New Jersey	10,727	6,055	16,782	2,56
Total	172,496	46,048	218,553	30,58
SOUTHERN STATES.				
Delaware	2,387	376	2,763	1,00
Maryland	13,912	5,464	19,376	4,00
Virginia	26,672	4,163	30,835	21,85
North Carolina	7,263	2,716	9,969	12,00
South Carolina	5,508	—	5,508	28,00
Georgia	2,679	—	2,679	9,54
Total	58,421	12,719	71,130	76,58

It should be understood that, at this time, there was but little difference in numbers between the population of the Southern States and that of the Northern States. By the census of 1790, the Southern had a population of 1,956,354; the Northern had a population of 1,968,455. But notwithstanding this comparative equality of population in the two sections, the North furnished vastly more men than the South.

Of continental troops, the Southern States furnished 58,421; the Northern furnished 172,496, making about three men furnished to the continental army by the Northern States to one furnished by the Southern.

Of militia, whose services are authenticated by the War Office, the Southern States furnished

19; the Northern furnished 46,048; making only four men furnished to the militia by the Northern States to one from the Southern.

The militia, whose services were not authenticated by the War Office, but are set down in the same as conjectural only, we have 76,810 furnished by the Southern States, and 30,950 furnished by the Northern; making, under this head, more than two men furnished by the Southern to one from the Northern. The chief services of the Southern States—for which the venerable Seneca claims so much—it will be observed with me, were conjectural only!

Looking, however, at the sum total of continental troops, authenticated militia, and conjectural militia, we have 147,940 furnished by the Southern States, while 249,503 were furnished by the Northern; making 100,000 men furnished by the Northern more than the Southern.

The disparity swells when we directly compare South Carolina and Massachusetts. Of continental troops, and authenticated militia, and conjectural militia, South Carolina furnished 33,508; Massachusetts furnished 92,592; making matter sum nearly three men for one furnished by South Carolina. Look, however, at continental troops and the authenticated militia furnished by the two States, and here you find only 5,508 furnished by South Carolina, 83,092 were furnished by Massachusetts—*seven times more than by South Carolina, and more than by all the Southern States together.* The facts and figures of which the Senator ought to be ignorant.

The occasion requires, I might go further, minutely portray the imbecility of the South-ites, and particularly of South Carolina, in the war of the Revolution, as compared with the Northern States. This is a sad chapter of history upon which I unwillingly dwell. Faithful records that, as early as 1778, the six Carolina regiments, composing, with the regular force of the South-Carolina regiment, the regular force of the South-Carolina department, did not, in the whole, muster eight hundred men; nor was it possible to fill their ranks. During the succeeding year, the Governor of South Carolina, pressed by the forces, offered to stipulate the neutrality of the State during the war, leaving it to be decided by the peace to whom it should belong—a sorry symptom of the secession proposed on that day! At last, after the fatal field of Red Bank, the organized American force was left in ruin. The three Southern States—*animus parati*, according to the vaunt of the South-ites, had not a single battalion in the field. All this period the men of Massachusetts were fighting their country, not at home, but in their own borders; for, from the time of the Declaration of Independence, Massachusetts saw the smoke of an enemy's camp. It was by the military genius and remarkable command of General Greene, a Northern man, that the command of the Southern army in South Carolina was rescued from the British. But the trials of this successful leader in a striking manner, the weakness of the

"slaveholding" State which he saved. Some of these are graphically presented in his letters. Writing to Governor Reed, of Pennsylvania, under date of 3d May, 1781, he says:

"Those whose true interest it was to have informed Congress and the people to the northward of the real state of things, have joined in the deception, and magnified the strength and resources of this country infinitely above their ability. Many of those, who adhere to our party, are so fond of pleasure, that they cannot think of making the necessary sacrifices to support the Revolution. There are many good and virtuous people to the southward; but they cannot animate the inhabitants in general, as you can to the northward."—*Gordon's History of American Revolution, vol. 4, page 87.*

Writing to Colonel Davies, under date of 23d May, 1781, he exposes the actual condition of the country:

"The animosity between the Whigs and Tories of this State renders their situation truly deplorable. There is not a day passes but there are more or less who fall a sacrifice to this savage disposition. The Whigs seem determined to extirpate the Tories, and the Tories the Whigs. Some thousands have fallen in this way in this quarter, and the evil rages with more violence than ever. If a stop cannot be soon put to these massacres, the country will be depopulated in a few months more, as neither Whig nor Tory can live."

To Lafayette, General Greene, under date of 29th December, 1780, describes the weakness of his troops:

"It is now within a few days of the time you mentioned of being with me. Were you to arrive, you would find a few ragged, half-starved troops in the wilderness, destitute of everything necessary for either the comfort or convenience of soldiers." * * * "The country is almost laid waste, and the inhabitants plunder one another with little less than savage fury. We live from hand to mouth, and have nothing to subsist on but what we collect with armed parties. In this situation, I believe you will agree with me, there is nothing inviting this way, especially when I assure you our whole force fit for duty, that are properly clothed and properly equipped, does not amount to eight hundred men."—*Johnson's Life of Greene, vol. 1, page 340.*

Writing to Mr. Varnum, a member of Congress, he says:

"There is a great spirit of enterprise prevailing among the militia of these Southern States, especially with the volunteers. But their mode of going to war is so destructive, that it is the greatest folly in the world to trust the liberties of a people to such a precarious defence."—*Johnson's Life of Greene, vol. 1, p. 397.*

Nothing can be more authentic or complete than this testimony. Here also is what is said by David Ramsay, an estimable citizen of South Carolina, in his history of the revolution in that State, published in 1785, only a short time after the scenes which he describes:

"While the American soldiers lay encamped,

'[in the low country near Charleston,] their tattered rags were so completely worn out, that seven hundred of them were as naked as they were born, excepting a small strip of cloth about their waists, and they were nearly as destitute of meat as of clothing.'—*Vol. 2, p. 258.*

The military weakness of this "slaveholding community" is too apparent. Learn now its occasion; and then join with me in amazement that a Senator from South Carolina should attribute our independence to anything "slaveholding." The records of the country, and various voices, all disown his brag for Slavery. The State of South Carolina, by authentic history, disowns it. Listen, if you please, to peculiar and decisive testimony, under date of March 29, 1779, from the Secret Journal of the Continental Congress:

"The committee appointed to take into consideration the circumstances of the Southern States, and the ways and means for their safety and defence, report, that the State of South Carolina, (as represented by the Delegates of the said State, and by Mr. Huger, who has come here at the request of the Governor of the said State, on purpose to explain the circumstances thereof,) is UNABLE to make any effectual efforts with militia, by reason of the great proportion of citizens necessary to remain at home, to prevent insurrection among the negroes, and to prevent the desertion of them to the enemy. That the state of the country, and the great number of these people among them, expose the inhabitants to great danger, from the endeavors of the enemy to excite them to revolt or desert."—*Vol. 1, p. 105.*

Here is South Carolina secretly disclosing her military weakness, and its ignoble occasion; thus repudiating, in advance, the vaunt of her Senator, who finds strength and gratulation in slavery rather than in freedom. It was during the war that she thus shrived herself, on bended knees, in the confessional of the Continental Congress. But the same ignominious confession was made, some time after the war, in open debate, on the floor of Congress, by Mr. Burke, a Representative from South Carolina:

"There is not a gentleman on the floor who is a stranger to the feeble situation of our State, when we entered into the war to oppose the British power. We were not only without money, without an army or military stores, but we were few in number, and likely to be entangled with our domestic ties, in case the enemy invaded us."—*Annals of Congress, 1789, 1791, vol. 2, page 1484.*

Similar testimony to the weakness engendered by slavery was also borne by Mr. Madison, in open debate in Congress:

"Every addition they [Georgia and South Carolina] receive to their number of slaves, tends to weaken them, and render them less capable of self-defence."—*Annals of Congress, vol. I, page 340.*

The historian of South Carolina, Dr. Ramsay, a contemporary observer of the very scenes which he describes, also exposes this weakness:

"The forces under the command of General Prevost marched through the richest settlements of the State, where are the fewest white inhabitants in proportion to the number of

slaves. The hapless Africans, allured by hope of freedom, forsook their owners, and in great numbers to the royal army. They endeavored to recommend themselves to new masters by discovering where their had concealed their property, and were ing in carrying it off."—*History of South Carolina, vol. 1, page 312.*

And the same candid historian, describing the invasion of the next year, says:

"The slaves a second time flocked to the army."—*Vol. 1, page 336.*

And at a still later day, Mr. Justice of the Supreme Court of the United States, a citizen of South Carolina, in his elaborate General Greene, speaking of negroes makes the same unhappy admission. He

"But the number dispersed through [Southern] States was very great; so as to render it impossible for the citizens to freemen enough to withstand the pressure of British arms."—*Vol. 2, page 472.*

Surely, sir, this is enough, and more from authentic documents—including muster-rolls of the Revolution—we learn contributions of men and the military of the Southern States, particularly Carolina, as compared with the North, and from the very lips of South Carolina on four different occasions, speaking by itself; by one of her Representatives in Congress; by her historian; and by an eminent of her confession not only of weakness, but that this weakness was caused by slavery. Yet, in the face of this cumulative and impeachable testimony, we are called to the American Senate, to a high-flying Senator, that American independence was achieved by the arms and "slaveholding communities," an achievement as baseless as the fabric of a vision, in any way may be interpreted; whether as meaning that independence was achieved by the Southern States, which were the peculiar slaves, or that it was achieved by arms or influence which came from the South. Sir, I speak here for a Commonwealth of just renown, but I speak also for a Commonwealth which is more than any Commonwealth that which I represent; and I cannot, Senator, with his silver-white locks, either. Not by slavery, but in spite of slavery, independence achieved. Not because of slaveholding communities, did triumph descend upon us, was the inspiration of Liberty Union conducted us through the red sea of oppression, as it had already given to the Nation of Independence its mighty tone, through the ages. "Let it be remembered said the nation, speaking by the Continental Congress, at the close of the American Revolution, that the rights for which we contended were the rights of humanity. Yes, sir, in this behalf, and by this we are conquered.

Such, sir, is my answer on this

Senator from South Carolina. If the work which I undertook has been done thoroughly, he must not blame me. Whatever I undertake, I am apt to do thoroughly. But while thus repelling the insinuations against Massachusetts; and the assumptions for slavery, I would not unnecessarily touch the sensibilities of that Senator, or of the State which he represents. I cannot forget that, amidst all diversities of opinion, we are bound together by the ties of a common country—that Massachusetts and South Carolina are sister States, and that the concord of sisters ought to prevail between them; but I am constrained to declare, that throughout this debate I have sought in vain any token of that just spirit which, within the sphere of its influence, is calculated to promote the concord alike of States and individuals.

And now, for the present, I part with the venerable Senator from South Carolina. In pursuing his inconsistencies, and in exposing them to judgment, I had almost forgotten his associate leader in the wanton and personal assault to which I have been exposed—I mean the veteran Senator from Virginia, [Mr. Mason,] who is now directly in my eye. With imperious look, and in the style of Sir Forcible Feeble, that Senator has undertaken to call in question my statement that the Fugitive Slave Bill denied the writ of *habeas corpus*; and, in doing this, he has assumed superiority for himself which, permit me to tell him now in this presence, nothing in him can sanction. Sir, I claim little for myself; but I shrink in no respect from any comparison with that Senator, veteran though he be. Sitting near him, as has been my fortune since I have been on his floor, I have come to know something of his conversation, something of his manners, something of his attainments, something of his abilities, something of his character—aye, sir, and something of his associations; and, while I would not undertake to disparage him in any of these respects, yet I feel that I do not exalt myself unduly—that I do not claim too much for the position which I hold, or the name which I have established—when I openly declare that, as a Senator of Massachusetts, and as a man, I place myself at every point in comparison with that honorable assailant. And to his peremptory assertion that the Fugitive Slave Bill does not deny the *habeas corpus*, I oppose my assertion, as peremptory as his own, that, it does, and there I leave that question.

Mr. President, I welcome the sensibility which the Senator from Virginia displays at the exposure of the Fugitive Slave Bill in its true character. He is the author of that enormity. From his brain came forth the soulless monster. He is, therefore, its natural guardian. The Senator is, believe, a lawyer. And now, since he has taken a disposition to meet objections to that spring, he must not stop with the objection founded on the denial of the *habeas corpus*. It is not, sir, if anything but slavery were in question, such an objection would be fatal; but it is not to be supposed that the partisans of an institution founded on a denial of human rights, can appreciate the proper efficacy of that writ of freedom. Sir, I challenge the Senator to defend

his progeny; not by assertion, but by reason. Let him rally all the ability, learning, and subtlety, which he can command, and undertake the impossible work.

Let him answer this objection. The Constitution, by an amendment which Samuel Adams hailed as a protection against the usurpations of the National Government, and which Jefferson asserted was our "foundation corner-stone," has solemnly declared that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Stronger words could not be employed to limit the powers under the Constitution, and to protect the people from all assumptions of the National Government, particularly in derogation of freedom. By the Virginia resolutions of 1798, which the Senator is reputed to accept, this limitation of the powers of the National Government is recognised and enforced. The Senator himself is understood, on all questions not affecting the claims of slavery, to espouse this rule in its utmost strictness. Let him now indicate, if he can, any article, clause, phrase, or word, in the Constitution, which gives to Congress any power to establish a "uniform law throughout the United States" on the subject of fugitive slaves. Let him now show, if he can, from the records of the Federal Convention, one jot of evidence inclining to any such power. Whatever may be its interpretation in other respects, the clause on which this bill purports to be founded gives no such a power. Sir, nothing can come out of nothing; and the Fugitive Slave Bill is, therefore, without any source or origin in the Constitution. It is an open and unmitigated usurpation.

And, sir, when the veteran Senator of Virginia has answered this objection; when he has been able to find in the Constitution a power which is not to be found, and to make us see what is not to be seen, then let him answer another objection. The Constitution has secured the inestimable right of trial by jury in "suits at common law," where the value in controversy exceeds twenty dollars. Of course, freedom is not susceptible of pecuniary valuation, therefore there can be no question that the claim for a fugitive slave is within this condition. In determining what is meant by "suits at common law," recourse must be had to the common law itself, precisely as we resort to that law in order to determine what is meant by trial by jury. Let the Senator, if he be a lawyer, now undertake to show that a claim for a fugitive slave is not, according to the early precedents and writs—well known to the framers of the Constitution, especially to Charles Cotesworth Pinckney and John Rutledge, of South Carolina, both of whom had studied law at the Temple—a *suit at common law*, to which, under the solemn guaranty of the Constitution, is attached the trial by jury, as an inseparable incident. Let the Senator undertake to show this, if he can.

And, sir, when the veteran Senator has found a power in the Constitution where none exists, and has set aside the right of trial by jury in a suit at common law, then let him answer yet

another objection. By the judgment of the Supreme Court of the United States, a claim for a fugitive slave is declared to be a case, under the Constitution, within the judicial power; and this judgment of the Court is confirmed by common sense and common law. Let the Senator undertake to show, if he can, how such an exalted exercise of judicial power can be confided to a single petty magistrate, appointed not by the President, with the advice and consent of the Senate, but by the Court; holding his office, not during good behaviour, but merely during the will of the Court; and receiving not a regular salary, but fees according to each individual case. Let the Senator answer this objection, if, in any way, by any twist of learning, logic, or law, he can.

Thus, sir, do I present the issue directly on this outrageous enactment. Let the author of the Fugitive Slave Bill meet it. He will find me ready to follow him in argument, though I trust never to be led, even by his example, into any departure from those courtesies of debate which are essential to the harmony of every legislative body.

Such, Mr. President, is my response to all that has been said, so far as I deem it at all worthy of attention. To the two associate chieftains in this personal assault, the veteran Senator from Virginia, and the Senator from South Carolina with the

silver-white locks, I have replied completely. It is true that others have joined in the cry, but these associates first started, but I shall not be tempted further. Some persons are best answered by silence; best answered by withholding words which leap impulsively to the lip.

And now, turning my back upon these, let me, for one moment, before I close, touch one aspect of this discussion which will make it memorable. On former occasions the right of petition has been vehemently denied, or practically denied. Only two years ago, memorials for the repeal of the Fugitive Bill, presented by me, were laid on your table. Mr. President, without reference to any other fact, all is changed now. Senators have denounced the memorial, and sounded the alarm of "treason," "treason," in our ears; but throughout this excited debate, no person has completely outraged the spirit of our institution, or forgotten himself, as to persist in objecting to the reception of the memorial, and its consideration. It is true, the remonstrants and representatives here have been treated with indignity; but the great right of petition, the sword and buckler of the citizen—the right which has not been denied. Here is a triumph of Freedom.

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